

1 David M. Tall
Oseran, Hahn, P.S.
2 10900 NE Fourth Street, Suite 1430
Bellevue, WA 98004
3 (425) 455-3900

Hon. Marc Barreca
Chapter 11
Date: August 1, 2014
Time: 9:30 a.m.
Response Date: July 25, 2014

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8 **UNITED STATES BANKRUPTCY COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
AT SEATTLE

10 IN RE:

11 SAM A. ADAMS and ERIKA M. ADAMS,
12
13 Debtors.

No. 14-15003-MLB

**NOTICE OF HEARING AND
MOTION TO COMPEL DEBTOR TO
PAY ADEQUATE PROTECTION AS
REQUIRED BY THE COURT**

14 **NOTICE OF HEARING**

15 TO: THE CLERK OF THE COURT

16 AND TO: Sam A. Adams and Erika M. Adams, Debtors
17 Lawrence K. Engel, Attorney for Debtor

18 PLEASE TAKE NOTE that Landlord H-P Properties/All Star, LLC (hereinafter
19 "Landlord") of those premises located at 2629 SW Andover Street, Seattle, Washington 98126,
20 through its attorneys of record Oseran Hahn, P.S., David M. Tall of counsel, will present an issue
21 of law in this case which will be heard on the date below and the Clerk of the Court is requested to
22 note this issue on Judge Barreca's calendar for that day.

NOTICE OF HEARING AND MOTION TO COMPEL DEBTOR
TO PAY ADEQUATE PROTECTION AS REQUIRED BY THE
COURT-1
F:\DMT\HRP\Allstar\Adams - Adequate Protection N & M.doc 7/11/14
(E) #98431.008

OSERAN HAHN P.S.
10900 NE Fourth Street #1430
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201

Hearing Date and Time. August 1, 2014 @ 9:30 a.m.

Location. U.S. Bankruptcy Court, 700 Stewart St., Courtroom 7106, Seattle, WA.

Nature of Motion. Motion to Compel Debtor to Pay Adequate Protection to Debtors' Landlord regarding those premises located at 2629 SW Andover Street, Seattle, Washington 98126, as required by the Court Order.

Your response to this motion must be filed and served at least seven days prior to the date of the hearing; if no response is filed within this time the Court may in its discretion grant the motion prior to the hearing without further notice.

MOTION

COMES NOW Landlord by and through its attorneys of record, Oseran Hahn, P.S., David M. Tall of counsel, and moves the Court for entry of an order compelling the Debtors to pay the adequate protection ordered by the Court.

This Motion is based on the records and files in this proceeding, and the Declaration of David M. Tall submitted herewith together with attached exhibit.

BACKGROUND FACTS

Debtors failed to make rental payments due under the terms of the Master Lease with Landlord and thereafter an unlawful detainer action was commenced. The Show Cause hearing was set for June 30, 2014. Prior to that hearing this bankruptcy proceeding was commenced. The verified Complaint and the Declaration of John Pietromonaco attached as Exhibits 1 and 2 respectively to the Declaration of David M. Tall, filed contemporaneously herewith set forth the pertinent facts. Creditor was owed \$556,988.62 plus attorney fees and costs as of June 30, 2014. July base rent of \$110,000 plus real estate taxes of \$15,492.28 and the insurance premium of

\$5,521.17 are further due. August rent will be due at the time of the scheduled hearing.

NOTICE OF HEARING AND MOTION TO COMPEL DEBTOR
TO PAY ADEQUATE PROTECTION AS REQUIRED BY THE
COURT-2
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1 The Landlord respectfully argues for adequate protection that the Debtors pay a minimum
2 of July and August rent plus real estate taxes and insurance premiums due (to wit: the total sum of
3 \$262,026.90) within five (5) days of the date of the Court Order, and further pay such rental as it
4 comes due no later than the 5th of each month thereafter commencing September 5, 2014.

5 DATED: July 11, 2014.

6 OSERAN, HAHN, P.S.

7 By /s/ David M. Tall
8 DAVID M. TALL, WSBA #12849
9 Attorney for H-P PROPERTIES/ALL STAR, LLC
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2 **CERTIFICATE OF SERVICE**

3 I, Eva M. Lee, certify that I am not less than 18 years of age and not a party to the matter
4 concerning the service made. I further certify that the service of the foregoing document was
5 made by ECF (electronic filing) any by mailing a copy via US Mail, postage prepaid to the
6 following:

7 Lawrence K. Engel
8 Attorney for Debtors
9 40 Lake Bellevue, Suite 100
10 P.O. Box 580
11 Bellevue, WA 98009

12 Sam Adams and Erika Adams
13 13245 Holmes Pt. Dr. N.E.
14 Kirkland, WA 98034

15 Sarah R. Flynn
16 700 Stewart St Ste 5103
17 Seattle, WA 98101

18 on July 11, 2014, in Bellevue, Washington.

19 Under penalty of perjury, I declare that the foregoing is true and correct.

20 /s/ Eva M. Lee
21 Eva M. Lee
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